

18. The system of claim 1 in which the medium mark is written onto a master disk during manufacture of the disk.

REMARKS

The Applicant respectfully requests entry of the above amendment and reconsideration in view of the amendment and the following remarks.

In response to the objection to the drawings, red line drawings for the examiner's approval accompany this amendment.

In response to the objection to the title, the title has been amended above.

In response to the objection to the specification, that the specification does not include section titles, the specification is being amended to add section titles, and such amendment will be transmitted when complete.

In response to the objection to claims 5 and 9, the claims are amended above.

Regarding the rejections of the claims, applicant respectfully traverses the assertions in the previous office actions.

In response to the rejection of claims 1, 4-5, 9-11 and 16 under 35 U.S.C. §103(a), for allegedly being unpatentable over U.S. patent 5,412,718 to Narasimhalu in view of U.S. patent 5,930,369 to Cox, the differences between the claims and the combination of citation are such that the subject matter as a whole would not have been obvious at the time the invention was made, to those of ordinary skill in the art.

More specifically with regard to claims 1 and 5, the combination of the citations does not suggest "an information carrier having a medium mark representing a first bitpattern" in combination with "generator means for generating a second bitpattern according to a predefined relationship to the first bitpattern; and encoder means for embedding a watermark representing the second bitpattern in the information to be

recorded," as in claims 1 and 5. Neither of the citations suggests using a media mark for generating a watermark or any advantage in using a media mark for generating a watermark. In the invention, the watermark is decoded and compared to the media mark to determine if a professionally recorded recording is authorized.

With regard to claim 4, there is no suggestion in the combination of citations that the encoder means used for encoding the watermark be identifiable from the watermark. In Cox only the owner of rights in the recording is identifiable from the watermark.

More specifically with regard to claim 9, the combination of the citations does not suggest "an information carrier comprising: a medium mark representing a first bitpattern" in combination with "recorded information including a second bitpattern having a predefined relationship to the first bitpattern," as in claim 9. Neither of the citations suggests any advantage for using a media mark for generating a watermark. In the invention, the watermark is decoded and compared to the media mark to determine if a professionally recorded recording is authorized.

With regard to claim 10, there is no suggestion in the combination of citations that the recorded information be identifiable from the watermark. In Cox only the owner of rights in the recording is identifiable from the watermark.

With regard to claim 11, the combination of citations does not suggest "a medium mark representing a first bitpattern in information reproduced from a record carrier" and "a second bitpattern represented by a watermark in the reproduced information" in combination with "means for verifying a predefined relationship between the second bitpattern and the first bitpattern," as in claim 11. Neither of the citations suggests using a media mark for generating a watermark or any advantage in using a media mark for generating a watermark. In the invention, the watermark is decoded and compared to the media

mark to determine if a professionally recorded recording is authorized. In the invention, the watermark is decoded and compared to the media mark to determine if a professionally recorded recording is authorized.

In addition, The combination of citations teaches away from the invention because the abstract of Narasimhalu teaches away from "introducing artificial indica or requiring a special hardware subsystem for achieving copy protection". There is no suggestion in either citation to combine the citations. The purpose of Cox is to track the distribution of multimedia data and generating a watermark from nonuniformities and uniformities in the media would not accomplish that objective. The purpose of Narasimhalu is to prevent unauthorized copying and restrict use of information to designated devices by encrypting the information. Generating a watermark from the nonuniformities and uniformities of the disk could not be used to accomplish this encryption scheme.

In response to the rejection of claims 2-3, 12-14 and 16 under 35 U.S.C. §103(a), for allegedly being unpatentable over U.S. patent 5,412,718 to Narasimhalu in view of U.S. patent 5,930,369 to Cox as applied to claim 1 and further in view of the article "Applied Cryptography ..." by Schneier, the differences between the claims and the combination of citation are such that the subject matter as a whole would not have been obvious at the time the invention was made, to those of ordinary skill in the art.

More specifically with regard to claims 2 and 12, the combination of the citations does not suggest encrypting a medium mark to produce a watermark as in claims 2 and 12, or any advantage in doing so.

With regard to claims 3 and 13, the combination of citations does not suggest applying a one-way function to a medium mark to produce a watermark as in claim 3 and 13 or any advantage in doing so.

With regard to claim 16, the combination of citations does not suggest a "cryptographic one-way function" between a medium mark and a watermark. The citations do not suggest any advantage in such a relationship.

The citations can not be combined to produce the claimed invention because the combination would defeat the purpose of the citations. The combination of citations would not produce the claimed inventions. There is no suggestion in either citation to combine the citations.

In response to the rejection of claims 6-8 and 15 under 35 U.S.C. §103(a), for allegedly being unpatentable over U.S. patent 5,412,718 to Narasimhalu in view of U.S. patent 5,930,369 to Cox as applied to claim 5 above and further in view of the article "Applied Cryptography ..." by Schneier, the differences between the claims and the combination of citation are such that the subject matter as a whole would not have been obvious at the time the invention was made, to those of ordinary skill in the art.

More specifically with regard to claim 6, the combination of citations does not suggest "creating the medium mark on the information carrier," as in claim 6. In fact the citations clearly teach away from the invention because the abstract of Narasimhalu teaches away from "introducing artificial indica".

Also, with regard to claim 6, the combination of citations does not suggest "generating the first bitpattern from a seed," as in claim 6. There is nothing in the combination of citations suggesting that a bitpattern should be generated from a seed.

With regard to claim 7, the combination of citations does not suggest "a prepressed mark on a recordable information carrier," as in claim 7. Also, the combination of citations does not suggest using such a prepressed mark for generating a first bit pattern to generate a watermark as in claim 7.

With regard to claim 8, the combination of citations does not suggest applying "a cryptographic one-way function," to a seed to produce a medium mark as in claim 8.

The claims are definite and distinguished from the citations and Applicant respectfully requests the allowance of all claims.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) including fees for any required extension of time, to Account No. 14-1270.

Respectfully submitted,

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